

- from about 10 to about 50% of monocytes,
- from about 10 to about 70% of lymphocytes,
- from about 0.1 to about 20% of progenitor cells,
- from about 1 to about 50% of polynuclear cells, and
- from about 0.1 to about 20% of stem cells.--

R E M A R K S

It is believed that this application has been amended in a manner that places it in condition for allowance at the time of the next Official Action.

Claims 20, 22-23, 26-28, and 32-39 are pending in the present application. Claims 21, 24, 25 and 29-31 have been canceled. Claims 20, 22 and 26 have been amended and new claims 34-39 have been added. Support for new claims 34-39 may be found generally throughout the specification and in original claims 22, 23 and 26. The outstanding Official Action declared that claims 32-33 were allowable.

In the outstanding Official Action, claim 21 was objected to for reciting the misspelled word "at least". It is believed that the present amendment obviates this rejection.

As noted above, claim 21 has been canceled. However, the subject matter of claim 21 has been incorporated into claim 20. It is believed to be apparent that claim 20 has been amended in a manner that obviates this objection.

Claims 20, 25 and 27 were rejected under 35 USC §102(b) as allegedly being anticipated by YAMAMOTO 5,326,749. It is believed that this rejection has been rendered moot by the present amendment.

As noted above, claim 20 has been amended to incorporate the recitations of claim 21. In the outstanding Official Action, no prior art was cited against claim 21. The sole objection to claim 21 was based on the misspelling of "at least". As it is believed that claim 20 has been amended in a manner that obviates this contention, it is believed that claim 20 is now in condition for allowance.

Moreover, Applicants note that the outstanding Official Action declared that claims 22-24, 26 and 28-31 were only objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claims and any intervening claims. As the rejections and objections pertaining to the base claims have been obviated by the present amendment, it is believed that these claims are also allowable.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application is now in condition for allowance, with claims 20, 22-23, 26-28 and 32-39, as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

KLEIN et al. S.N. 09/890,652

Attached hereto is a marked-up version of the changes made to the claims. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 20 has been amended as follows:

--20. (amended) A cell composition, comprising:

macrophages, ~~wherein said macrophages are present in an~~
amount of about 10 to about 70%, said percentage ~~being~~ is
expressed with respect to the total number of cells, ;

and progenitor cells present in an amount of at least
0.1%, said percentage being expressed with respect to the total
number of cells; and

wherein said composition exhibits anti-infectious and
hematopoietic properties.--

Claim 22 has been amended as follows:

--22. (amended) The cell composition according to claim
20, ~~further comprising progenitor cells, wherein~~ said progenitor
cells are present in an amount of about 0.1 to about 20%, said
percentage being expressed with respect to the total number of
cells.--

Claim 26 has been amended as follows:

--26. (amended) The cell composition according to claim
~~24~~ 20, wherein said progenitor cells contain from about 0.1 to
about 20% of stem cells, expressed with respect to the total
number of progenitor cells.--